

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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**PHILIP P. CAPONE, III,  
Petitioner,**

PETER OPPENEER  
CLERK US DIST COURT  
Case No. 17-cv-781-jdp WD OF WI

v.

**WILLIAM POLLARD,  
Respondents.**

**NOTICE OF APPEAL**

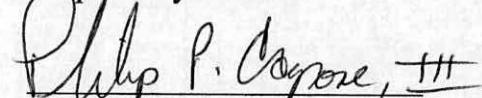
**NOTICE IS HEREBY GIVEN THAT** the Petitioner, Philip P Capone, III, timely appeals the order and judgment rendered November 16, 2017, denying his timely 28 U.S.C. §2254 Petition For Writ of Habeas Corpus, and the order rendered January 25, 2018, denying his timely Rule 52/59/60 Motion To Alter or Amend, by Judge James D. Peterson, to the United States Circuit Court of Appeals for the 7<sup>th</sup> Circuit in Chicago, Illinois.

The nature of the orders are final.

Appellate jurisdiction is invoked pursuant to 28 U.S.C. §1291.

Dated this 4<sup>th</sup> day of February 2018 and delivered to prison officials for mailing to the Clerk of Court.

Respectfully submitted



Philip P. Capone, III

DC#623666

c/o Dodge Correctional Institution  
P.O. Box 661  
Waupun, Wisconsin 53963-0661

Exhibit A